

Notice of Allowability

Application No.

10/693,229

Examiner

ARMANDO RODRIGUEZ

Applicant(s)

CLARY ET AL.

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 28, 2005.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☒ The drawings filed on 24 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

Claims 1-50 are pending.

Applicant's arguments, see pages 2-3, filed January 28, 2005, with respect to claims 1-50 have been fully considered and are persuasive. The 35 USC 102 rejection of claims 1-50 has been withdrawn.

Allowable Subject Matter

Claims 1-50 are allowed.

The following is an examiner's statement of reasons for allowance:

After reviewing applicant's arguments, reviewing the cited reference to Dewey, Jr and conducting an updated search none of the cited references or search references alone or in combination discloses the claimed high-precision alignment system having the structural combination of independent claims 1, 22 and 37.

Regarding claims 1-21,

None of the cited prior art discloses the claimed high-precision alignment system with the recited limitations of independent claim 1, having first and second elements and at least one post, in particular the second element having a hole, which is greater than the diameter of the post's second end and provides a gap, where a material is provided within the gap to affix the second end of the post, thereby aligning the first and second elements.

Regarding claims 22-36,

None of the cited prior art discloses the claimed high-precision alignment system with the recited limitations of independent claim 22, having a first and second hollow post and first and second elements, in particular the second end diameter of the first hollow post is greater than the second end diameter of the second hollow post, which allows for positioning the second end of the second hollow post within the first hollow post and providing a gap, which is filled with a material to affix the hollow posts, thereby aligning the first and second elements.

Regarding claims 37-50,

None of the cited prior art discloses the claimed high-precision alignment system with the recited limitations of independent claim 37, having at least one post and first and second elements, in particular the post having first and second ends, where the second is partly spherical and having a shaft which has a diameter smaller than the second end, where the second is positioned within a hole of the second element and is clamped by a clamping element, thereby aligning the first and second elements.

The closest reference to claims 37-50 is reference to Flom et al (PN3,991,426), which illustrates in figure 3 an alignment scheme having an element (11), an element (30) with holes (32) and (34) and posts (12) and (14) with a shaft that has a diameter smaller to end (20), but fails to disclose, suggest or imply the a clamping element for clamping the post as required by independent claim 37. If the element (30) is interpreted as the clamping element, the reference fails to disclose, suggest or imply an element with a hole, as required by independent claim 37.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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